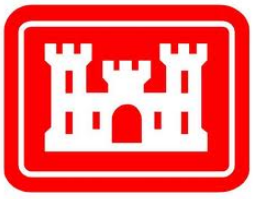
# Berryessa Creek Element
# Coyote and Berryessa Creeks
# Flood Control Project
# Santa Clara County, California

# Appendix G: Public Involvement



## Organization of Appendix G

Appendix G is organized into the following sections.

Section 1 explains the purpose of this response to comments appendix.

Section 2 provides responses to comments sorted by the resource categories of the GRR/EIS and has been provided so that the reader may easily find all responses to any specific resource category.

Section 3 contains copies of comments received. The comments are organized, according to the affiliation of the commenter, into five categories: Federal Agency, State Agency, Regional and Local Agency, and General Public. Specific issues within comments received have been assigned a response report identification number. Response identification number(s) are shown in parenthesis following the comment listing.

# Section 1 Introduction

## Purpose

This appendix contains the responses to comments received on the Berryessa Creek Project, Draft Integrated General Reevaluation Report/ Environmental Impact Statement (GRR/EIS). The 45-day public review period for the draft document began on March 22, 2013 and ended on May 5, 2013. A notice of availability (NOA) of the Draft GRR/EIS was published in the Federal Register March 22 prior to public review. A public workshop and hearing were held on April 18 at Milpitas Community Center to provide additional opportunities for comments on the Draft GRR/EIS. As required by environmental regulatory policies – National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps) as lead agency for the Final GRR/EIS, are required to respond to substantive environmental issues raised during the review and consultation process.

During the public review period, comments were received on the Draft GRR/EIS from Federal, State, and local agencies, and the general public. Comments were received in a variety of media, including letters, emails, telephone, and public workshops. These are collectively referred to as "comments" throughout this appendix. This appendix contains copies of all written and email comments received on the Draft GRR/EIS and all verbal comments received at the April 18 meeting (in the form of the written transcripts of the meeting).

Seven comment letters were received on the draft GRR/EIS from Federal, State, and local agencies and one letter and one personal conversation from members of the public. Most comments were focused around transportation, water quality, biological resources, public safety, and benefits.

# Section 2 Response to Comments

**Comments and Responses**
**on**
**Draft EIS for Berryessa Creek General Reevaluation Report**
**June 2013**

| No. | Agency | Comment | Response |
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| 1. | U.S. Environmental Protection Agency | The Final EIS should specifically consider the effects of rising sea level on the Berryessa Creek Project | A sensitivity analysis was conducted based on the maximum sea level rise scenario calculated for the San Francisco Bay Shoreline Study. When this maximum value was applied in the hydraulic model downstream of the Berryessa project, its effects were negligible upstream of the Calaveras crossing. |
| 2. | U.S. Environmental Protection Agency | The Final EIS should include additional discussion, and if possible, quantification of the shade benefits of Alternative 4/d and consider the feasibility of modifying alternatives 2A/d and 2b/d to add trees to reduce the temperature of Berryessa Creek. | Due to the limited space within the right-of-way, the location of the flood walls proposed under Alternative 2A/d and 2B/d, and the Corps requirement of 15 feet obstruction free zone, trees are not able to be incorporated into either alternative. Expanding the right-of-way to include features that reduce water temperatures to improve habitat would be ecosystem restoration measures. Since ecosystem restoration is not a Congressionally-authorized project purpose, the Corps cannot propose such measures.<br>Alternative 4/d allows for vegetation benches as an aesthetic feature which would also shade the stream channel. Stream temperature is controlled by multiple factors whose influences are difficult to examine independently. The effectiveness of riparian vegetation to shade stream depends of the buffer width and canopy cover. The vegetative buffer width and canopy cover proposed under Alternative 4/d is assumed to provide some benefit to the stream channel but the buffer zone (approximately 4 meters) would not be as wide as typical management practices (30 meters) to provide a maximum benefit. A Corps study showed that a buffer zone 7 meters wide fail to adequately keep stream temperatures from increasing. The vegetation benches proposed under Alternative 4/d is expected to slow runoff, trap sediments, and provide food and habitat for wildlife. Discussion in Section 5.4.3.4 has been revised. Chapter 13 (References) has been revised to include "U.S. Army Corps of Engineers. 1991. Buffer strips for riparian zone management. Waltham, MA." |
| 3. | U.S. Environmental Protection Agency | The Final EIS should discuss the cumulative impacts of the Greenbelt bypass, and clarify whether any of the project alternatives would preclude floodplain terracing and riparian revegetation of the Greenbelt Reach. | The Santa Clara Valley Water District does not have any funds available for any planning, design, or construction of the area upstream of I-680, therefore, they Greenbelt bypass is not a foreseeable project.<br>The final alternative will not preclude future |

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| | | | work in the Greenbelt Reach. |
| 4. | U.S. Environmental Protection Agency | The Army Corps should coordinate closely with the Regional Water Quality Control Board, so that dewatering does not unexpectedly withdraw contaminated groundwater nor expand the plume beyond the control of wells designed to control contaminate migration. | The Corps and/or contractor would work closely with the Regional Water Quality Control Board. Excavation depth should not exceed 2 or 3 ft along the creek bed in the area of concern. If greater depths are required, then the project hydro geologist and/or civil engineer should determine from the historical data the risk involved in encountering contaminated groundwater from the JCI plume sites. If there is a risk, one solution would be to use Baker Tanks for collecting and holding the low level dewatering discharge. |
| 5. | U.S. Environmental Protection Agency | The Final EIS should discuss requirements for treatment and discharge of contaminated groundwater. | Obtaining a Low Threat Discharge Permit should be sufficient to cover the treatment and discharge of the potentially contaminated groundwater. A Notice of Intent (NOI) is required by the Regional Water Quality Board. |
| 6. | U.S. Environmental Protection Agency | The Final EIS should clearly describe the circumstance under which potentially contaminated soil would be sampled, and contaminated soil would be managed as hazardous waste rather then redeposited in levees or the adjacent road base. | The need for contaminated soil sampling and/or a recognized environmental concern would be determined by an Environmental Professional (EP). The EP should be performing monitoring inspections throughout the soil excavation phase of the project. Suspected soil and water contaminated samples will be analyzed by a certified lab prior to classification decisions and managed in accordance with required regulations. |
| 7. | U.S. Environmental Protection Agency | The final EIS should expand the discussion of permanent impacts, such as sediment loading, nutrient loading, temperature, and stream velocities, particularly where more detailed information is available in appendices. | Discussion in Section 5.4.3.2 and Section 5.4.3.3 has been revised to include additional information sediment transport and deposition. |
| 8. | U.S. Environmental Protection Agency | The Final EIS should explain the basis for the selection of Alternative 2A/d as the environmentally preferred alternative. | Discussion in Section 5.17 has been revised to include additional information on why Alternative 2A/d is the environmentally preferred alternative. |
| 9. | U.S. Environmental Protection Agency | Discuss, in the Final EIS, the impact of Levee Vegetation Management Policy on the Corps obligations to mitigate tree removal and other impacts that increase water temperatures. | The alternatives considered are downstream of I-680 which has no waterside trees along the creek. Section 5.5.3.2 discusses the potential for 15 landside trees to be removed for construction access. These trees are on private property and would be replaced on site. Removal of the landside trees is not expected to have effects on water temperature since there is little shade benefit due to their distance of the creek.<br>The upstream of I-680 reach which includes the greenbelt area is not being carried forward, therefore, no trees shall be removed in the greenbelt as a result of this project. |
| 10. | U.S. Environmental Protection Agency | Identify in the Final EIS, trees to be removed as part of the project, for which mitigation of the removal would be required by state or local regulations. | A figure has been added to Appendix A which shows the potential trees to be removed. |
| 11. | U.S. | The Final EIS should include a breakdown of | Discussion in Section 7.4 been revised to include |

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| | Environmental Protection Agency | maintenance activities, frequency, extent and costs, as well as assumptions used to estimate costs. | additional maintenance details. Since Alternatives 2B/d and 4/d include more infrastructure, maintenance costs are higher. |
| 12. | U.S. Environmental Protection Agency | Commit, in the Final EIS to:<br>Request that bidding construction contractors provide information on emissions from construction equipment and give preference to contractors employing clean construction fleets | Discussion in Section 5.2.3.6 has been revised to included the following: "The contractor would be required to provide information on emission from construction equipment to BAAQMD and avoid the use of portable generators where power can be practically obtained from the local power grid."<br>Additionally giving preference to contractors employing clean construction fleets would be written in as part of the contract specifications. |
| 13. | U.S. Environmental Protection Agency | Avoid the use if portable generators where power can be practically obtained from the local power grid. | See response to comment #12 above. |
| 14. | U.S. Environmental Protection Agency | Develop a construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow. | Discussion in Section 5.7.2.6 includes the requirement for the contractor to develop a Traffic Control Plan to minimize traffic interference and maintain traffic flow. These requirements would be included in the contraction specifications. |
| 15. | U.S. Environmental Protection Agency | Include in the Final EIS, a map of the sensitive receptors mentioned in the Draft EIS, and commit to locate operating construction equipment and staging zones away from these sensitive receptors, to the extent practicable. | A figure of the sensitive receptors near the downstream project area has been added to Appendix A. Construction equipment and staging areas would be located away from these sensitive receptors, to the greatest extent practicable. |
| 16. | City of Milpitas | The City request clarification of planned trails including pedestrian bridges within the improvements and alternatives. | Recreational trails are not planned under the alternatives. Section 3.7.5.4 has been revised to remove mention of recreational trails. However, local interests, including the City of Milpitas, can pursue overlaying trails on the maintenance roads. |
| 17. | City of Milpitas | The City requests that the preferred alternative be identified as a FEMA certified levee. | Thank you for your comment. The primary Corps objective is to reduce flood risk damages. The Corps develops alternatives and alternative sizing based on a benefit-cost analysis; it does not design alternatives with a preset level of performance. Alternative 2A/d meets all the Corps requirements. |
| 18. | City of Milpitas | The EIS should clearly indicate if the preferred alternative will have any adverse impact on Milpitas ability to discharge its storm flows. | The selected alternative will not impede local drainage. Local storm drainage inflows were included in the hydrological analysis as documented in Section 2.8 of the 2003 Hydrology Report. |
| 19. | City of Milpitas | The Transit Area Specific Plan has not been considered in the EIS. | Per Corps guidance (Engineer Regulation 1105-2-100 paragraph E-19j), the economic benefits analysis excludes future development that is assumed to be above the "100-year" floodplain. If the development is within the "100-year" floodplain, damages and benefits to those structures cannot be counted. The Transit Area Specific Plan can be considered in the mandatory future economic updates if required. |

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| 20. | City of Milpitas | Jacklin Road/ Abel Street would likely be utilized as a diversion route for traffic traveling to and from SR237. The EIS does not provide assessment of the traffic impacts and mitigation, if required, for the Jacklin Road/ Abel Street. | Traffic counts were taken at the intersections of Jacklin Road & I-680 Northbound Ramps, Jacklin Road & I-680 Southbound Ramps, and Calaveras Boulevard/ Abel Street. The base line level of service (LOS) at each intersection was B, B+, and D respectively. Based on the assumptions of the traffic analysis in Appendix F the LOS of each intersection did not change with during a temporary partial closure of Calaveras Blvd or a temporary partial closure of Montague Express Way. |
| 21. | City of Milpitas | The EIS needs to accurately assess and mitigate vehicle traffic impacts and pedestrian access impacts within the existing and entitled lad use changes in Los Coches Street. | The traffic analysis developed an existing (2012) scenario, with current traffic counts, timings, and geometry. Since project construction will not occur until 2017, estimates of future volumes were needed. Starting from counts conducted in 2008 and 2010, an annual growth rate of 1% was applied and approved project trips from residential developments near the future Milpitas BART station were added. On average, traffic volumes in 2017 were about 12% higher than those in the existing 2012 scenario.<br>Alternative 2A has been selected to be implemented. Alternative 2A would require partial closure of Los Coches Street for approximately 30 days and traffic would be diverted to alternative routes. Mitigation measures listed in Section 5.7.3.6 would be implemented to reduce impacts to traffic. |
| 22. | City of Milpitas | The document needs to determine if concurrent creek improvement construction activities at each of the road crossings would have adverse cumulative traffic impacts. | Creek improvements will not be concurrent; construction will proceed from downstream to upstream over a 2-year period. Discussion in Section 5.7.3.2 has been revised to include the following: “Closures would not be concurrent to reduce traffic congestion.” |
| 23. | City of Milpitas | The EIS does not describe traffic impact from the proposed URRR trestle replacement or identify traffic impacts of construction and operation of temporary bypass railroad track. | After further investigation a temporary bypass would not be needed since deliveries not made every day. Section 5.7.3.2 has been revised to include the following: “URRR trestle replacement would be completed in one day to reduce effects. Replacement of URRR trestle be scheduled for delivery-free day.” |
| 24. | Santa Clara Valley Transportation Authority | There is a large planning district within flood impact area E, known as the Transit Area Specific Plan. The area of new development is large than described in the text, and also not limited to renovations and construction on vacant parcels. | Discussion in Section 2.3.3.1 has been revised to include the following: “The City of Milpitas’ Transit Area Specific Plan borders Berryessa Creek at South Milpitas Blvd. The Transit Area Specific Plan is a plan for the redevelopment of an approximately 437-acre area in the southern portion of the City that currently includes a number of industrial uses near the Great Mall shopping center. Development is projected to be complete by 2030.” |
| 25. | Santa Clara Valley Transportation Authority | The failure to construct the flood control project will somewhat reduces the availability of non-motorized access to the BART system. | Thank you for your comment. |

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| 26. | Santa Clara Valley Transportation Authority | Tables 2-6 through 2-9, 2-11 should be reviewed based on recent redevelopment in Milpitas area. | Tables 2-6 and 2-9, 2-11 describes current conditions. |
| 27. | Santa Clara Valley Transportation Authority | Table 2-10 should add a column for Milpitas Transit Area Specific Plan area. | See response to comment #19. |
| 28. | Santa Clara Valley Transportation Authority | Discussion on page 3-4 could be expanded to note the importance of the trail system in providing access to the planned Milpitas BART station now under construction. | Thank you for your comment. |
| 29. | Santa Clara Valley Transportation Authority | Section 3.6.3.6 last bullet add “and would provide an additional beneficial point of access to the planned Milpitas BART station.” | Discussion in Section 3.6.3.6 has been revised to include the following: “and would provide an additional beneficial point of access to the planned Milpitas BART station.” |
| 30. | Santa Clara Valley Transportation Authority | Section 3.7.2.1 Discussion of Additional Flood Related Risks on page 3-38 should include impact of Berryessa Creek flooding on the proposed BART extension and Milpitas station. In the absence of the flood control project, the BART extension and station will need to incorporate flood proofing measures. The cost of those measures is not yet known but likely to be in the millions of dollars. In addition, the Milpitas station is expected to serve as a major intermodal transit center. Flooding from Berryessa Creek could cut off access to the station, impairing access to BART, light rail and bus services. | Discussion on page 3-39 has been revised to include the following: “flooding from Berryessa Creek could cut off access by non-motorized and other traffic to the proposed BART station, which would impair access to a key intermodal transportation center.” |
| 31. | Santa Clara Valley Transportation Authority | Section 4.1.2.1 (Land Use) incorrectly states that the land use extending downstream to Montague Expressway is "not expected to change in the future." This area includes a portion of the TASP as well as the city's Midtown planning area, both of which are planned for high-density redevelopment including significant residential density. | Discussion in Section 4.1.2.1 has been revised to include the following: “The City of Milpitas’ TASP redevelopment plan is located adjacent to the study area along Montague Expressway. This area would be redeveloped in to mixed use, urban, and high density residential.” The statement of “not expected to change in the future" has been removed. |
| 32. | Santa Clara Valley Transportation Authority | Section 4.7.2.6- The light rail line within the study area is the Alum Rock-Santa Teresa line (not Ohlone-Chynoweth). | Discussion in Section 4.7.2.6 has been revised to include the Alum Rock-Santa Teresa line. |
| 33. | Santa Clara Valley Transportation Authority | Section 4.9.2- The discussion of the proposed city trail system describes the trail being used by "children and families" to reach city parks. While this is true, VTA wishes to note that it views the trail system as more than just a play area for children. Bicycle facilities are now viewed as an integral element of the transportation network, serving commuters and general transportation purposes as a supplement to roads and highways. Trails are used by persons of all ages. VTA notes that while the DEIS has appropriately discussed the recreational aspect of trail usage, it should also acknowledge the transportation benefit. | Discussion in Section 4.9.2 has been revised to refer to those using the city trail system as recreationist and commuters. |
| 34. | Santa Clara | Section 5.7.3.2 (c)- This section states that | Discussion in Section 5.7.3.2 (c) has been revised |

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| | Valley Transportation Authority | reconstruction of the Montague bridge would require "closure of one of the seven lanes for a period of 10 days." The actual construction period is currently being assessed but would be much longer than 10 days -likely a year or more. The section also says that this segment of Montague would be re-striped with two lanes in each direction, which would be a reduction of two to three lanes and thus inconsistent with the sentence quoted above stating only one lane would be closed. Also, construction of the new bridge may require a period of full closure of South Milpitas Blvd. Please coordinate with Santa Clara County Roads and Airports department for current construction planning for the Montague bridge. | to include the following: "Alternatives 2A would modify the structure at Montague Expressway, requiring a partial closure for a period of 100 days. Partial traffic flow would be maintained at all times."<br>Alternative 2A has been selected to be implemented which would tie a floodwall into the existing headwall at upstream face of structure and construct transitions to existing wingwalls. The Contract would coordinate with Santa Clara County Roads and Airports department for current construction planning for the Montague bridge. |
| 36. | Santa Clara Valley Transportation Authority | Section 5.13.1 (b)- The discussion of the BART project is outdated. While the full16-mile extension is still planned, an initial segment has already advanced. On April16, 2010, FTA, in cooperation with VTA, published a Final Environmental Impact Statement (FEIS) for a two station, 10-mile extension of BART. The Record of Decision was signed issued by FTA on June 24, 2010. The project is currently under construction. Calaveras Station and Civic Center/SJSU Station are no longer part of the project. | Discussion in Section 5.13.1 has been revised to remove the Calaveras Station and Civic Center/SJSU Station and included the following: "On April 16, 2010, the Final Environmental Impact Report was published for a two- station, 10 mile extension of BART. Construction began in 2012 and is ongoing." |
| 37. | Santa Clara Valley Transportation Authority | Section 5.13.1.3. (c)- The Montague Pedestrian Overcrossing is being planned to span Montague Expressway from the BART Station parking structure to a planned development site east of Piper Drive. It is not planned to connect with the Great Mall. This crossing would provide a safer critical connection to future TASP developments to the north of Montague, as well as the Great Mall area. | Discussion in Section 5.13.1.3. (c) has been revised to include the following: "The project would span Montague Expressway from the future Milpitas BART Station parking structure to a planned development site east of Piper Drive as highlighted in the City of Milpitas Transit Area Specific Plan" |
| 38. | Frank Desmidt | I am concerned about the impact of not improving the Upper Berryessa Creek from Interstate 680 to Old Piedmont Road. Will this cause flooding? | The work proposed downstream of Interstate 680 will not affect flows in the creek above Interstate 680. |
| 39. | Frank Desmidt | Will it cost me more? | The project will not induce flooding or increase the floodplain upstream of I-680 thereby also not change current flood insurance special flood hazard zones or rate changes. |
| 40. | Frank Desmidt | When will Upper Berryessa Creek be improved? | Investigations of the Upper Berryessa Creek improvements remain ongoing by the Santa Clara Valley Water District. |
| 41. | David Jung | Erosion and different design shapes have been talked about. But to make the project more worthy and longer lasting in terms of use I think there should be walls on each side of the creek. It will hold more water in case there is a lot of water especially if there is a lot of water if there is a lot of melted water from ice from global warming. | Additional or higher walls would indeed contain more flood flows, but they also cost more. When street and surface flooding hits levees or floodwalls on its ways to the channel, the levees or floodwalls act as dams. The surface flows then must be pumped to the creek, and pumps are expensive. So the amount of floodwalls in the proposed project represents a balance of costs and |

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| | | | benefits. |
| 42. | David Jung | It will cost less now, so I believe its better to do it now than to build walls 20-30 -40 years from now when it is very expensive to do it. Find a cheaper design with walls and cheaper long lasting maintenance if money is tight. Have the government stop sending money and corporations stop sending money out of the country instead send all money back and all jobs back to the USA and we will have money to spend. | Thank you for your comment. |
| 43. | David Paul | I seem to see an opportunity for editing/correction of the Berryessa Creek Project Draft General Reevaluation Report/ Environmental Impact Statement<br><br>In Chapter 2, section 2.3.2.1 (b), the third paragraph reads:<br><br>Although no dollar value was recorded, Berryessa Creek experienced major flooding on January 22, 1983. Debris and sediment transported by the floodwaters blocked the culvert at Old Piedmont Road and impeded the flow through other culverts downstream, causing overbank and extensive street flooding. Overbank flooding occurred causing water to pond in the flea market and in the industrial area east and west of the Western Pacific Railroad and north of Mabury Road. Mt. Greek Nursery experienced flooding up to 18 inches deep. Berryessa Creek peak flows above Calaveras Boulevard were estimated to be 1,045 cfs, 210 cfs, and 300 cfs, for the January 22-30, February 5-8, and February 23-March 4, floods, respectively. The 1,045 cfs exceeded the historical peak flow recorded since the records began in 1970.<br><br>The yellow highlighting was added by me. The yellow highlighted section seems to describe flooding of Lower Penitencia Creek in the areas of the flea market, rather than flooding of Berryessa Creek.<br><br>The sentences before and after the highlighted area describe flooding of Berryessa Creek. I believe that the overall document might be easier to understand if the section describing flooding of Lower Penitencia Creek were moved out of the paragraph that otherwise describes flooding of Berryessa Creek. | The highlighted text has been removed. Section 2.3.1.2 (b) has been revised to include the following: “Overbanking also occurred immediately upstream and downstream of Montague Expressway and between Yosemite Drive and Calaveras Boulevard in Milpitas. It was reported that at least six businesses suffered water and sediment damage from flooding in this commercial/industrial area. Floodwaters eventually made their way westerly and flooded the streets and parking lots in the vicinity of Abel and Marylinn Streets in Milpitas.” |
| 44. | David Paul | We seem to currently have a hawk couple nesting in the acacia trees just downstream of where Berryessa Creek passes under Highway 680. Sorry, I am unaware what breed of hawk they are (could be Cooper’s hawk, *Accipiter cooperii*)? | Prior to ground disturbing activities the project area will be surveyed by a qualified biologist to look for nesting birds. If nests are found consultation would be initiated with CA Dept of Fish and Wildlife and/or U.S. Fish and Wildlife |

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| | | | depending on species and jurisdiction.<br>Table 4-15 potential for Cooper's hawk and White tailed kite to occur in study has been revised to include the following: "Low. Poor quality forging habitat and marginal nesting habitat is with-in the downstream of I-680 study area. Potential nesting habitat in the upstream of I-680 study area" |
| 45. | David Paul | In section 4.11.2, the abandoned Jones Chemical site, on the east bank of Berryessa Creek at 985 Montague Expressway, Milpitas, seems to be omitted. I believe that it has a known underground plume.<br>Ref:<br>http://www.waterboards.ca.gov/rwqcb2/board_decisions/adopted_orders/1989/R2-1989-162.pdf | Section 4.11.2 has been revised to state two plume sites that have recognized environmental conditions (RECs):<br>"(1) one plume along the Berryessa Creek in the vicinity of Montague Expressway and (2) one in the vicinity of the confluence of Berryessa and Piedmont Creeks. Both of these plumes about 6 to 10 feet deep. If construction is expected to approach that depth, appropriate precautionary measures and disposal methods may be necessary. The chemicals of concern in these cases are volatile organic compounds, PAHs, and metals (copper, cadmium, and mercury)" |

## Section 3 Comments

# United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 13/0178)

*Filed Electronically*

06 May 2013

Tyler Stalker 916-557-5107
tyler.m.stalker@usace.army.mil

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Proposed Berryessa Creek Project, CA

Dear Mr. Stalker:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION IX**
**75 Hawthorne Street**
**San Francisco, CA 94105-3901**

May 6, 2013

U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814-2922

Attention: Tyler Stalker

Subject: Draft Environmental Impact Statement for the Berryessa Creek Project, Santa Clara County, California (CEQ # 2013068)

The U.S. Environmental Protection Agency (EPA) is providing comments on the Draft Environmental Impact Statement (DEIS) for the Berryessa Creek Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), our NEPA review authority under Section 309 of the Clean Air Act, and the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

EPA provided scoping comments for this project in a letter dated January 3, 2002. We support the Corps' interest in developing an economically justified and environmentally sound flood protection project; however, we are concerned that the effect of sea-level rise on the project has not been sufficiently considered, as required by the Corps own Climate Change Adaptation Policy Statement. We are also concerned that the DEIS does not provide sufficient analysis of temperature effects and maintenance requirements for the project, nor provide sufficient assurance that the Corps is prepared for the possibility of encountering contamination during the project. Additionally, we ask the Corps to clarify whether any project alternatives preclude floodplain terracing and riparian revegetation in the Greenbelt Reach, upstream of the project area.

Based on our concerns about sea-level rise, water quality, and maintenance, we have rated the action alternatives Environmental Concerns – Insufficient Information (EC-2). The enclosed Detailed Comments elaborate on these concerns and our recommendations.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send one hard copy and one electronic copy to the address above (mail

code: CED-2). If you have questions, please contact me at (415) 972-3521 or have your staff contact Tom Kelly at kelly.thomasp@epa.gov or (415) 972-3856.

Sincerely,

Connell Dunning

FOR

Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures: EPA's Detailed Comments
Summary of EPA's Rating Definitions

cc (via email): Dennis Cheong, Santa Clara Valley Water District
Shin-Roei Lee, Regional Water Quality Control Board, San Francisco Bay
Mark Johnson, Regional Water Quality Control Board, San Francisco Bay
Margarete Beth, Regional Water Quality Control Board, San Francisco Bay
Tami Schane, California Department of Fish and Wildlife

## Sea-Level Rise

The DEIS does not appear to consider rising sea levels that will result from climate change. The Army Corps' own policy[1] states "it is the policy of USACE to integrate climate change adaptation planning and actions into our Agency's missions, operations, programs, and projects."

A San Francisco Bay Conservation Development Commission report[2] evaluated the impact of a 16-inch sea level rise by mid-century, and a 55-inch sea level rise by the end of the century to the San Francisco Bay shoreline. In regard to flood control projects, the report states:

> With higher Bay water levels and more extreme storm events, Bay water will intrude further into flood control channels making it more difficult for fresh water to drain rapidly from upland areas. This will increase flood risks in locations further upstream. More precise identification of upland areas near creeks and flood channels where this type of flooding may occur is needed for addressing future flood risks. Exploring alternative methods of flood control may be necessary.
>
> *Recommendation:*
> The FEIS should specifically consider the effects of rising sea level on the Berryessa Creek project.

## Water Resources

*Temperature Impacts*

The DEIS notes that current temperatures, as high as 84.7°F, reduce the habitat available to native fish and amphibians in Berryessa Creek, which prefer cooler temperatures (p.4-24). Water temperature is a key indicator of poor water quality in Berryessa Creek, yet the DEIS considers shading the creek as an "aesthetic feature" (p. 3-24). Only alternative 4/d appears to address high water temperatures by including more than 8 acres of trees and vegetation to shade the creek (p. 3-57). The benefits of shading proposed by this alternative are described as "less than significant," a "slightly decreased water temperature," (p. 5-20) and "minimal" (Table 5-10), but the DEIS provides no basis for these conclusions.

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[1] USACE Climate Change Adaptation Policy Statement, effective June 3, 2011, <http://www.corpsclimate.us/docs/USACEAdaptationPolicy3June2011.pdf>

[2] Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline, San Francisco Bay Conservation and Development Commission, October 6, 2011 <http://www.bcdc.ca.gov/BPA/LivingWithRisingBayvst.pdf>

*Recommendations:*
The FEIS should include additional discussion, and if possible, quantification of the shading benefits of Alternative 4/d and consider the feasibility of modifying alternatives 2A/B and 2B/d to add trees to reduce the temperature of Berryessa Creek.

*Cumulative Impacts*

NEPA requires the evaluation of cumulative impacts that are reasonably foreseeable [40 CFR 1508.8]. The DEIS analyzed two alternatives, 2B/d and 4/d, that modeled a bypass channel upstream of Interstate 680 and the DEIS project area (p. 3-50). The bypass is a potential project of the Santa Clara Valley Water District, the local project sponsor for the Berryessa Creek Project. It would convey water around the Greenbelt Reach to alleviate flooding in the upper watershed (3-53). Given the modeling prepared to support it, the upstream bypass appears to be reasonably foreseeable project that could result in cumulative impacts that should have been described in greater detail in the DEIS.

The Santa Clara Valley Water District also investigated floodplain terrace and native riparian revegetation of the Greenbelt Reach as a way to provide flood protection and mitigation within the Greenbelt Reach. It was the focus of coordinated agency comments by EPA and the San Francisco Bay Regional Water Quality Control Board (RWQCB) in support of a terracing and revegetation approach at the Corps' Upper Berryessa F4A conference held on August 17, 2006. At that time, it was also considered a potential element of the Corps' Berryessa Creek Project. While we understand the reason that flood control measures upstream of I-680 were not considered in the DEIS (i.e., the Corps' "800 cfs rule" and the lack of economic justification, p. 3-47 and 3-48), we seek to ensure that the Corps' project will not preclude Greenbelt terracing and revegetation, which EPA and RWQCB have supported.

Recommendation:
The FEIS should discuss the cumulative impacts of the Greenbelt bypass, and clarify whether any of the project alternatives would preclude floodplain terracing and riparian revegetation of the Greenbelt Reach.

*Groundwater Contamination*

The DEIS acknowledges Jones Chemical Company and Great Western Chemical Company as sources of hazardous, toxic and radiologic waste. Based on discussions with the RWQCB, the Corps is likely to encounter contamination from the Jones Chemical site[3]. While the DEIS discusses the potential to encounter contamination from these sites (5-19), and mentions the preparation of Best Management Plans to minimize impacts, it provides no discussion of treatment technologies, permitting requirements, appropriate discharge limits nor reuse potential (e.g. dust control). Without adequate preparation, unexpectedly encountering contaminated groundwater during de-watering could cause project delays and

[3] Person communication between Mark Johnson, RWQCB, San Francisco Bay and Tom Kelly, U.S. EPA, on April 11, 2013.

cost increases. Additionally, dewatering wells could draw contaminated groundwater away from remediation wells designed to contain the plume.

*Recommendations:*
The Army Corps should coordinate closely with the Regional Water Quality Control Board, so that dewatering does not unexpectedly withdraw contaminated groundwater nor expand the plume beyond the control of wells designed to control contaminant migration.

The FEIS should include Best Management Plans for the treatment and discharge of contaminated groundwater, or an outline of the plan that would be developed later.

The FEIS should discuss requirements for treatment and discharge of contaminated groundwater.

The FEIS should clearly describe the circumstances under which potentially contaminated soil would be sampled, and contaminated soil would be managed as hazardous waste rather than redeposited in levees or the adjacent road base.

*Permanent Impacts*

The DEIS included more discussion of the construction impacts than operational impacts of the project. As the DEIS frequently noted, construction impacts are temporary, so an added focus on operational impacts may be more informative for the Corp's decision-maker.

*Recommendation:*
The FEIS should expand the discussion of permanent impacts, such as sediment loading, nutrient loading, temperature, and stream velocities, particularly where more detailed information is available in appendices.

*The Environmentally Preferred Alternative*

The DEIS selects Alternative 2A/d as the environmental preferred (and environmentally superior under CEQA) alternative (p. 5-68), but includes no discussion of the relative magnitude of benefits and adverse effects (e.g. temperature, sediment loading and maintenance) of each alternative.

*Recommendation:*
The FEIS should explain the basis for the selection of Alternative 2A/d as the environmentally preferred alternative.

*Tree Removal and Mitigation*

The DEIS discusses the need for tree removal (e.g. p. 3-24). Because Berryessa Creek is a water of the state, the Regional Board may require mitigation when trees are shading the creek, which does not appear to be discussed. The DEIS does describe the Corps Levee Vegetation Management Policy on page 3-48, which requires a "15-foot vegetation-free

zone outside of the proposed levee toes or floodwalls." The levee vegetation policy potentially conflicts with, or limits, opportunities to mitigate tree removals along the creek.

*Recommendations :*
Discuss, in the FEIS, the impact of the Levee Vegetation Management Policy on the Corps' obligations to mitigate tree removals and other impacts that increase water temperature.

Identify, in the FEIS, trees to be removed as part of the project, for which mitigation of the removal would be required by state or local regulations.

**Maintenance**

One of the goals of the project is reducing maintenance following project construction (p. 1-1). Current maintenance is described as "sediment removal activities designed to restore flood conveyance capacity, vegetation management in and around streams and canals, and bank protection" (p. 4-30). While Table 6-11 lists the annual maintenance costs for each alternative, the DEIS does not specify the activities associated with the maintenance costs. It does explain that Alternatives 2A/d and 2B/d include an access road built inside levees and floodwalls (p. 3-51 and 3-53), making maintenance less expensive (p. 3-57), but the DEIS does not clarify the reason maintenance of Alternative 2A/d is less than Alternative 2B/d. Additionally, Alternative 4 includes 15-foot vegetation-free zones on the outside of both floodwalls, which would allow relatively easy access for maintenance. While the road inside the levee would allow for easy access, it likely would result in additional costs, because the road could be overtopped as frequently as once every 10 years (0.1 to 0.04 exceedance probability, p. 3-53).

*Recommendation:*
The FEIS should include a breakdown of maintenance activities, frequency, extent and costs, as well as any assumptions used to estimate costs.

**Air Quality**

We acknowledge that the air quality impacts of the NED Plan, Alternative A2/d, are less than significant, and the DEIS includes a thorough list of mitigation measures addressing air quality (p. 5-9 to 5-11). The Corps could further reduce the project's emissions and possibly reduce complaints through careful planning and the use of clean diesel equipment meeting the most stringent of applicable Federal[4] or State Standards[5].

*Recommendations:*
Commit, in the FEIS, to:

- Request that bidding construction contractors provide information on emissions from construction equipment (e.g. Tier 3 off-road diesel engines or engines retrofitted to meet equivalent emissions) and give preference

[4] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.
[5] For ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.

(among other factors such as low cost) to contractors employing clean construction fleets.

- Avoid the use of portable generators where power can be practically obtained from the local power grid.

- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.

Include, in the FEIS, a map of the sensitive receptors mentioned in the DEIS, and commit to locate operating construction equipment and staging zones away from these sensitive receptors (e.g. the opposite side of the creek), to the extent practicable.

**Editorial Note**

Several pages (e.g. 3-55) include a note at the top stating, "[t]he information is distributed solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. It has not been formally disseminated by the Corps. It does not represent and should not be construed to represent any agency determination or policy." This note should be removed from the FEIS.

# SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

## ENVIRONMENTAL IMPACT OF THE ACTION

*"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

*"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

*"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

*"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

## ADEQUACY OF THE IMPACT STATEMENT

*"Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

*"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

*"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

May 3, 2013

Jamie LeFevre
U.S. Army Corps of Engineers
Sacramento District
1325 J Street,
Sacramento, CA 95814.

Re: Berryessa Creek Project Draft Integration General Reevaluation Report/ Environnemental Impact Statement (GRR/ EIS)

Dear Ms. LeFevre,

Thank you for this opportunity to comment on the Draft Integration General Reevaluation Report (GRR) for the proposed Berryessa Creek Project. The City appreciates US Army Corp and Santa Clara Valley Water District's Flood Risk Management efforts through this project. However, there are potentially significant impacts that require either further analysis or additional details. Our comments on the Draft GRR/EIS are organized into three major areas of concern as follows:

1. **Impact on Infrastructure Facilities**
   - The City requests clarification on planned trails including pedestrian bridges within the project improvements and alternative. The City has approved and adopted various documents for trails along Berryessa Creek, such as Milpitas Trails Master Plan, Bikeway Master Plan, and Berryessa Creek Trail & Coyote Creek Trail Feasibility Report. These documents are available for reference on the City website (http://www.ci.milpitas.ca.gov) and should be addressed in the EIS and incorporated into the proposed project.
   - The City requests that the preferred alternative be identified as a FEMA certified levee.
   - The EIS should clearly indicate if the preferred alternative will have any adverse impact on Milpitas´ ability to discharge its storm flows.

2. **Economic Analysis**

   GRR update has considered the Milpitas Midtown Specific Plan (economic impact area "E") in the cost-benefit analysis. But the Transit Area Specific Plan (TASP) has not been considered. The TASP is a significant specific plan that must be included in the economic analysis. Not doing so will have a significant impact on the accuracy of the economic analysis for this project.

3. **Traffic Impacts**

   a) EIS identified partial closure of Calaveras Blvd for creek improvement construction. Montague Expressway and Tasman Drive are identified as the main diversion parallel roadways; however, Jacklin Road/Abel Street would likely be utilized as a diversion

route for traffic traveling to and from SR237 since it provides a direct connection between I-880 and I-680. Significant traffic impacts would likely occur on Jacklin Road/Abel Street as a result. EIS does not provide assessment of the traffic impacts and mitigation, if required, for the Jacklin Road/Abel Street.

b) Full closure is proposed on Los Coches Street between Hillview Drive and Sinclair Frontage Road for the creek improvements. Significant conversion of industrial to residential land uses have occurred along Los Coches Street and Sinclair Frontage Road. The EIS needs to accurately assess and mitigate vehicle traffic impacts and pedestrian access impacts with the existing and entitled land use changes.

c) The document needs to determine if concurrent creek improvement construction activities at each of the road crossings would have adverse cumulative traffic impacts. EIS assumes traffic diversion at one creek crossing will move to the next adjacent parallel roadway. The document needs to address the concurrent sequence to avoid any consecutive parallel road impacts.

d) Existing UPRR track trestle is located immediately east of S. Milpitas Boulevard. EIS does not describe traffic impact from the proposed UPRR trestle replacement or identify traffic impacts of construction and operation of temporary bypass railroad track.

**Note:** City of Milpitas has utility crossings/ facilities, including six waterline crossings, one sewer line crossing, and six outfall connections, which should be identified as being impacted by the proposed creek improvements.

City staff would like the opportunity to discuss these issues with your project team. These issues are very significant to the City of Milpitas that must be adequately addressed to avoid recirculation of the EIS. Please contact Joann DeHerrera at (408)586-3271 to schedule our meeting.

Sincerely,

**Steven G. McHarris**
Planning & Neighborhood Services Director
City of Milpitas

SANTA CLARA
Valley Transportation Authority

May 3, 2013

U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814

Attention: Jamie LeFevre

Subject: Berryessa Creek Project

Dear Mr. LeFevre:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Integrated General Reevaluation Report/Environmental Impact Statement (GRR/EIS) for the stretch of Berryessa Creek located between I-680 and E. Calaveras Boulevard. We have the following comments.

**Section 2.3.3.1** – This section describes future development of the City of Milpitas Midtown planning area, as follows: *"Primarily along the South Main and Abel Street corridors, the plan calls for renovation of many of the existing buildings and new high density residential and commercial construction on existing vacant acres near the light rail and proposed BART stations. This area is the only portion of the study floodplain identified for future growth."*

In addition to the Midtown planning area, there is also another large planning district within flood impact area E, known as the Transit Area Specific Plan (TASP) district. Much of the TASP district is expected to be demolished and redeveloped with new high-density residential and commercial construction. Therefore, the area of new development is larger than described in the text, and also not limited to renovations and construction on vacant parcels.

**Section 2.6** – An additional problem worthy of mention includes the impact of flooding on the BART extension. This federally-funded transit system is now under construction and will include a station in Milpitas just south of Montague Expressway, within Impact Area E. Although the station and its critical systems facilities will be floodproofed, flooding in the surrounding area would effectively shut down the station by making it inaccessible. Following a flood event, there would presumably be additional public expense and inconvenience as necessary clean-up is performed before the station could be placed back in service. In addition, although the draft EIS already notes that the development of the City of Milpitas's trail system in the project area would be hindered in the absence of the flood control project, it could also be noted that the City's planned trail system will also serve as a significant access path to the BART station for non-automobile travel. Thus, failure to construct the flood control project will somewhat reduce the availability of non-motorized access to the BART system.

Tables 2-6 through 2-9, 2-11 – Based on recent redevelopment in the Midtown and TASP areas of Milpitas, this table (specifically Area E) should be reviewed for accuracy.

Table 2-10 should add a column for Milpitas' TASP area

**Section 3.2.2** – Discussion on page 3-4 discusses the potential for recreational trails along the flood channel as part of the project planning consideration.

This could be expanded to note the importance of the trail system in providing access to the planned Milpitas BART station, now under construction. The station has been designed to emphasize bicycle access, and the Berryessa Creek corridor has potential to serve as a significant access route. Although the construction of trail systems is not part of the authorized purpose of the flood control project, the channel improvements should be designed to facilitate, and not preclude, construction of bike/ped routes by others. Also, the text should be modified to note that this form of access is not merely recreational, but also constitutes part of the regional transportation system for work commuting and other trips. A future connection of the trail system (by others) to the existing bike/ped overcrossing over I-680 would provide a non-motorized linkage from the BART system to a large area of San Jose.

**Section 3.6.3.6** – Last bullet, add:

...and would provide an beneficial point of access to the planned Milpitas BART station.

**Section 3.7.2.1** – Discussion of Additional Flood Related Risks on page 3-38 should include impact of Berryessa Creek flooding on the proposed BART extension and Milpitas station. In the absence of the flood control project, the BART extension and station will need to incorporate floodproofing measures. The cost of those measures is not yet known but likely to be in the millions of dollars. In addition, the Milpitas station is expected to serve as a major intermodal transit center. Flooding from Berryessa Creek could cut of access to the station, impairing access to BART, light rail and bus services.

**Section 4.1.2.1** (Land Use) incorrectly states that the land use extending downstream to Montague Expressway is "not expected to change in the future." It appears to erroneously assume that Montague forms the boundary between San Jose and Milpitas. In fact, the area immediately upstream of Montague Expressway is in the city of Milpitas and is planned for high-density redevelopment under the city's Transit Area Specific Plan (TASP). The discussion goes on to discuss Milpitas's plans for the area downstream of Montague as "light manufacturing and retail." This area includes a portion of the TASP as well as the city's Midtown planning area, both of which are planned for high-density redevelopment including significant residential density.

**Section 4.7.2.6** – The light rail line within the study area is the Alum Rock-Santa Teresa line (not Ohlone-Chynoweth).

**Section 4.9.2** – The discussion of the proposed city trail system describes the trail being used by "children and families" to reach city parks. While this is true, VTA wishes to note that it views the trail system as more than just a play area for children. Bicycle facilities are now viewed as an integral element of the transportation network, serving commuters and general transportation purposes as a supplement to roads and highways. Trails are used by persons of all ages. VTA notes that while the DEIS has appropriately discussed the recreational aspect of trail usage, it should also acknowledge the transportation benefit.

**Section 5.7.3.2 (c)** – This section states that reconstruction of the Montague bridge would require "closure of one of the seven lanes for a period of 10 days." The actual construction period is currently being assessed but would be much longer than 10 days – likely a year or more. The section also says that this segment of Montague would be re-striped with two lanes in each direction, which would be a reduction of two to three lanes and thus inconsistent with the sentence quoted above stating only one lane would be closed. Also, construction of the new bridge may require a period of full closure of South Milpitas Blvd. Please coordinate with Santa Clara County Roads and Airports department for current construction planning for the Montague bridge.

**Section 5.13.1 (b)** – The discussion of the BART project is outdated. While the full 16-mile extension is still planned, an initial segment has already advanced. On April 16, 2010, FTA, in cooperation with VTA, published a Final Environmental Impact Statement (FEIS) for a two-station, 10-mile extension of BART. The Record of Decision was signed issued by FTA on June 24, 2010. The project is currently under construction. Calaveras Station and Civic Center/SJSU Station are no longer part of the project.

**Section 5.13.1.3. (c)** – The Montague Pedestian Overcrossing is being planned to span Montague Expressway from the BART Station parking structure to a planned development site east of Piper Drive. It is not planned to connect with the Great Mall. This crossing would provide a safer critical connection to future TASP developments to the north of Montague, as well as the Great Mall area.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

SCVWD1301

US Army Corps of Engineers ®
Sacramento District

# Public Comment Sheet

**Name:** DAVID JUNG **Phone:** 408 945-1886

**Address:** 756 ANACAPA CT. MILPITAS CA 95035

**E-Mail:** DAVJ86@Gmail.com

**Comment/Question:**

Erosion and different design shapes have been talked about. But to make the project more worthy and longer lasting in terms of use I think there should be walls on each side of the creek. It will hold more water in case there is a lot of water especially if there is a lot of water if there is a lot of melted water from ice from global warming. It will cost less now, So I believe its better to do it now than to build walls 20-30-40 years from now when it is very expensive to do it. Find a cheaper design with walls and cheaper long lasting materials if money is tight. Have the government stop sending money and corporations stop sending money out of the country instead send all money back and all jobs back to the USA and we will have money to spend.

US Army Corps of Engineers ®
Sacramento District

# Public Comment Sheet

**Name:** FRANK DeSMIDT **Phone:** 408-263-3474

**Address:** 3020 Via Del Coronado San Jose, CA 95132

**E-Mail:** fjdmcc@aol.com

**Comment/Question:**

I am concerned about the impact of not improving The Upper Berryessa Creek from I 680 to Piedmont Road. Will this cause flooding? Will it cost me more? When will Upper Berryessa Creek be improved?

## LeFevre, Jamie M SPK

**From:** PamNDavid Paul [pamndavidpaul@gmail.com]
**Sent:** Wednesday, March 27, 2013 6:01 PM
**To:** LeFevre, Jamie M SPK
**Subject:** 4.11.2

Hello...me again.

In section 4.11.2, the abandoned Jones Chemical site, on the east bank of Berryessa Creek at 985 Montague Expressway, Milpitas, seems to be omitted. I believe that it has a known underground plume.

David

Ref: http://www.waterboards.ca.gov/rwqcb2/board_decisions/adopted_orders/1989/R2-1989-162.pdf

## LeFevre, Jamie M SPK

**From:** PamNDavid Paul [pamndavidpaul@gmail.com]
**Sent:** Wednesday, March 27, 2013 4:22 PM
**To:** LeFevre, Jamie M SPK
**Subject:** Re: Berryessa Creek Project Draft General Reevaluation Report/ Environmental Impact Statement

Hello again.

Regarding Table 4-145

We seem to currently have a hawk couple nesting in the acacia trees just downstream of where Berryessa Creek passes under Highway 680.
Sorry, I am unaware what breed of hawk they are (could be Cooper's hawk, Accipiter cooperii)?

Thanks again,

David

## LeFevre, Jamie M SPK

**From:** PamNDavid Paul [pamndavidpaul@gmail.com]
**Sent:** Wednesday, March 27, 2013 6:01 PM
**To:** LeFevre, Jamie M SPK
**Subject:** 4.11.2

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David

Ref: http://www.waterboards.ca.gov/rwqcb2/board_decisions/adopted_orders/1989/R2-1989-162.pdf